BOMBAY ACT No. LX OF 1950.[1]

[THE BOMBAY PARAGANA AND KULKARNI WATANS (ABOLITION) ACT, 1950.]

[*25th January 1951*]

Amended by Bom. 3 of 1952.

An Act to abolish Paragana and Kulkarni Watans in the State of Bombay.

WHEREAS—

(*1*) the services appertaining to the office of hereditary District (Paragana) Officers [except in one case referred to in clause (*2*) below] and to the office of certain hereditary village accountants (Kulkarnis) have ceased to be performed ;

(*2*) the services appertaining to the Deshpande watan of Nimbayat mahal in Malegaon taluka of the Nasik District in respect of which commutation settlement has not yet been effected, are no longer required ;

(*3*) the services appertaining to the remaining hereditary village accountants' (Kulkarnis') watans also are no longer required to be performed ;

AND WHEREAS it is expedient in the interest of the administration of the State to abolish the Paragana and Kulkarni watans and to make provisions for the performance of functions of some of those offices ;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950.

(*2*) It extends to the whole of the State of Bombay excluding the merged territories.

(*3*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " appointed day " means the day on which this Act comes into force ;

Bom. I of 1879.

(*b*) " Code " means the Bombay Land Revenue Code, 1879 ;

(*c*) " commutation settlement " means a settlement made or confirmed under the provisions of the Watan Act relieving the holder, his heirs and successors of the liability to perform the services appertaining to the watan ;

(*d*) " Kulkarni watan " means a watan appertaining to the office of a village accountant and includes a watan appertaining to the said office in respect of which a commutation settlement has been effected ;

(*e*) " Paragana watan " means a watan appertaining to the office of a hereditary District (Paragana) Officer in respect of which a commutation settlement has been effected and includes the Deshpande watan of the Nimbayat mahal in Malegaon taluka of the Nasik District ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Pt. V, pp. 263-264.

(*f*) " prescribed " means prescribed by rules made under this Act ;

(*g*) " Watan Act " means the Bombay Hereditary Offices Act, 1874 ; Bom. III of 1874.

(*k*) " Watan land " means the land forming part of the property of a Paragana or Kulkarni watan.

(*2*) The words and expressions used in this Act shall have the meanings assigned to them in the Watan Act and in the Code, as the case may be, notwithstanding the fact that the provisions of the said Act or Code may not be applicable.

Abolition of certain watans together with the right to office and incidents.

3. With effect from and on the appointed day, notwithstanding anything contained in any law, usage, settlement, grant, sanad or order—

(*1*) all Paragana and Kulkarni watans shall be deemed to have been abolished ;

(*2*) all rights to hold office and any liability to render service appertaining to the said watans are hereby extinguished ;

(*3*) subject to the provisions of section 4, all watan land is hereby resumed and shall be deemed to be subject to the payment of land revenue under the provisions of the Code and the rules made thereunder as if it were an unalienated land :

Provided that such resumption shall not affect the validity of any alienation of such watan land made in accordance with the provisions of section 5 of the Watan Act or the rights of an alienee thereof or any person claiming under or through him ;

(*4*) all incidents appertaining to the said watans are hereby extinguished.

Holder of watan land to be occupant.

4. (*1*) A watan land resumed under the provisions of this Act shall be regranted to the holder of the watan to which it appertained, on payment of the occupancy price equal to twelve times of the amount of the full assessment of such land within two years from the date of the coming into force of this Act and the holder shall be deemed to be an occupant within the meaning of the Code in respect of such land and shall primarily be liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder ; all the provisions of the Code and rules relating to unalienated land shall, subject to the provisions of this Act, apply to the said land :

Provided that in respect of the watan land which has not been assigned towards the emoluments of the officiator, occupancy price equal to six times of the amount of the full assessment of such land shall be paid by the holder of the land for its regrant :

Provided further that if the holder fails to pay the occupancy price within the period of two years as provided in this section, he shall be deemed to be unauthorisedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(*2*) The occupancy of the land regranted under sub-section (*1*) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

(*3*) Nothing in sub-section (*2*) shall apply to any land—

(*a*) the commutation settlement in respect of which provides expressly that the land appertaining to the watan shall be alienable without the sanction of the State Government ; or

(*b*) which has been validly alienated with the sanction of the State Government under section 5 of the Watan Act.

Explanation.—For the purposes of this section the expression "holder" shall include—

(*i*) all persons who on the appointed day are the watandars of the same watan to which the land appertained, and

(*ii*) in the case of a watan the commutation settlement in respect of which permits the transfer of the land appertaining thereto, a person in whom the ownership of such land for the time being vests.

Special rule of succession to be void.

5. Any provision of law, usage or practice relating to the succession to any watan land whereby contrary to the personal law governing the parties the rule of primogeniture was followed and the female heirs were postponed in favour of male heirs, shall, on and from the appointed day, be void and cease to be in force.

Continuation of cash allowance.

6. Notwithstanding anything contained in any law, usage, settlement, grant, sanad or order,—

(*1*) a sum equal to seven times the amount of the cash allowance due to a holder on the appointed day of a watan in respect of which a commutation settlement has been effected, shall be paid to such holder ;

(*2*) in the case of any land or village, in respect of which the watan property consists of the whole or a part of the land revenue of such land or village, a sum equal to the amount of such land revenue shall be paid annually to the holder during the period of his life :

Provided that if such holder dies before the expiry of ten years from the appointed day such sum shall be paid annually to his heir or heirs entitled to receive the same under the terms of the settlement until the expiry of the said period of ten years.

Explanation.—For the purposes of this section the expression "holder" shall have the same meaning as is assigned to it in sub-section (*4*) of section 15 of the Watan Act.

Compensation to the representative watandar.

7. (*1*) A person who has been registered as a representative watandar immediately before the appointed day and who in consequence of the coming into force of this Act, ceases to be entitled to the right to perform the duties of the office of a hereditary village accountant shall be entitled to receive annually as compensation a sum equal to one-third of the total amount of the emoluments payable annually in cash to the representative watandar performing such service in the year immediately preceding the year in which this Act comes into force :

Provided that in cases where there are more than one person registered as representative watandars each of such persons shall be entitled to receive such sum in proportion to his share in watan.

(*2*) The sum so payable annually shall be paid to the representative watandar for a period of twenty-one years from the appointed day and if such representative watandar dies within the said period of twenty-one years, such sum shall be paid annually to his heir or heirs until the expiry of the said period of twenty-one years :

Provided that if the representative watandar so elects within one year from the coming into force of this Act, a sum equal to seven times the sum so payable annually shall be paid to the representative watandar in non-transferable bonds repayable by the State Government after the expiry of seven years from the coming into force of this Act and carrying interest at three per cent. per annum.

Explanation.—For the purposes of this section, a deputy or substitute officiating for the representative watandar shall not be entitled to receive such sum.

Application of Bombay Tenancy and Agricultural Lands Act, 1948.

8. If any watan land has been lawfully leased and such lease is subsisting on the appointed day, the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, shall apply to the said lease and the rights and liabilities of the holder of such land and his tenant or tenants shall, subject to the provisions of this Act, be governed by the provisions of the said Act. Bom. LXVII of 1948.

Explanation.—For the purposes of this section the expression 'land' shall have the same meaning as is assigned to it in the Bombay Tenancy and Agricultural Lands Act, 1948. Bom. LXVII of 1948.

Method of compensation for the abolition etc. of other rights in land.

9. (*1*) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to or interest in property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act such person may apply to the Collector for compensation.

(*2*) An application under sub-section (*1*) shall be made to the Collector in a prescribed form [1][on or before the 31st day of March 1952]. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sections 23 (*1*) and 24 of the Land Acquisition Act, 1894. I of 1894.

(*3*) Nothing in this section shall entitle any person to compensation on the ground that any watan land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act subjected to the payment of full assessment in accordance with the provisions of the Code.

(*4*) Any person aggrieved by the award of the Collector made under sub-section (*2*) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, within 60 days from the date of the award. Bom. XII of 1939.

(*5*) In deciding appeals under sub-section (*4*) the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which the Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908. V of 1908

(*6*) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the appeals made under this section. IX of 1908.

[1] These words, figures and letters were substituted for the words " within six months from the appointed day " by Bom. 3 of 1952, s. 2, Schedule.